

**AUCTIONEER BOARD
TELECONFERENCE MINUTES
OCTOBER 19, 2010**

PRESENT: Kathryn A. Daley, Patrick J. McNamara, Ronald J. Polacek (joined at 9:43), Timothy J. Sweeney, James C. Wenzler (joined at 9:43/excused at 11:02)

STAFF: Tom Ryan, Bureau Director; Michele Miller Hayes, Legal Counsel; Karen Rude-Evans, Bureau Assistant; other DRL staff

GUESTS: none

CALL TO ORDER

Patrick McNamara, Chair, called the meeting to order at 9:37 a.m. A quorum of three (3) members was confirmed.

ADOPTION OF AGENDA

Amendments:

- Under PRESENTATION OF STIPULATIONS, add “Presentation of Proposed Stipulation and Final Decision and Order in Case 07 AUC 012 - Craig L. Otto
- Under PRESENTATION OF STIPULATIONS, add “Presentation of Proposed Stipulation and Final Decision and Order in Case 09 AUC 024 – Harry H. Sutherland
- After PRESENTATION OF STIPULATIONS, add Appearance by Patara Horn, Division of Enforcement, re: Discussion of Model Language delegating authority to Department Monitor
- Under item “G” - CONSIDERATION OF PROPOSED STIPULATIONS..., insert Case 07 AUC 012, Craig L. Otto and Case 09 AUC 024, Harry H. Sutherland
- Under CASE CLOSINGS, insert A7 AUC 012 after page 58
- Under MONITORING – Craig L. Otto – Consideration of Violation of Board Order – insert after page 58

MOTION: Kathryn Daley moved, seconded by Timothy Sweeney, to approve the agenda as amended. Motion carried unanimously.

APPROVAL OF MINUTES OF JULY 20, 2010

Correction:

- On page 2, under DRL NEW BOARD MEMBER TRAINING, at the end of the sentence, insert “and case advisor training.”)

MOTION: James Wenzler moved, seconded by Kathryn Daley, to approve the minutes of July 20, 2010 as corrected. Motion carried unanimously.

ADMINISTRATIVE REPORT

DRL Staffing Updates

Kris Anderson has been hired as the paralegal that will be working with this Board. There will be many changes when the new governor takes office on January 3, 2011.

DRL Chair, Vice Chair and Public Member Training December 2-3, 2010

Training for board Chairs, Vice Chairs and public members will be held December 2-3, 2010 at the Concourse Hotel in Madison.

2011 Meeting Dates

The Board reviewed and accepted the proposed 2011 meeting dates.

The 2011 meetings dates are:

January 26

April 26

July 19

October 18

ELECTION OF BOARD OFFICERS AND BOARD APPOINTMENTS

MOTION: Kathryn Daley nominated Timothy Sweeney for Chair.

MOTION: Ronald Polacek nominated James Wenzler for Chair.

Chair Patrick McNamara called for nominations three times. Hearing no other nominations, a roll call vote was taken.

Kathryn Daley, Patrick McNamara and Timothy Sweeney voted to elect Timothy Sweeney as Chair.

Ronald Polacek and James Wenzler voted elect James Wenzler as Chair.

Timothy Sweeney was elected as Chair by majority vote.

MOTION: Ronald Polacek nominated James Wenzler for Vice Chair

MOTION: Timothy Sweeney nominated Kathryn Daley for Vice Chair.

Chair Patrick McNamara called for nominations three times. Hearing no other nominations, a roll call vote was taken.

Kathryn Daley, Patrick McNamara and Timothy Sweeney voted to elect Kathryn Daley as Vice Chair.

Ronald Polacek and James Wenzler voted to elect James Wenzler as Vice Chair.

Kathryn Daley was elected Vice Chair by majority vote.

MOTION: Kathryn Daley nominated James Wenzler for Secretary.

Chair Patrick McNamara called for nominations three times. Hearing no other nominations, the chair called for a vote.

James Wenzler was elected Secretary by unanimous vote.

2011 ELECTION RESULTS	
Chair	Timothy Sweeney
Vice Chair	Kathryn Daley
Secretary	James Wenzler

No Board Appointments were made at this time.

PRESENTATION OF PROPOSED STIPULATIONS

JOHN LASKO

08 AUC 008

Attorney Ryan Donovan presented a Proposed Stipulation, Final Decision and Order in the disciplinary proceedings against John Lasko. This matter will be deliberated in closed session.

AUCTION HOUSE OF WEST SALEM

08 AUC 008

Attorney Ryan Donovan presented a Proposed Stipulation, Final Decision and Order in the disciplinary proceedings against Auction House of West Salem. This matter will be deliberated in closed session.

LARRY H JOSTAD

08 AUC 008 AND 08 AUC 011

Attorney Heather Curnutt presented a Proposed Stipulation, Final Decision and Order in the disciplinary proceedings against Larry H. Jostad. This matter will be deliberated in closed session.

TERRENCE L ENGEL

08 AUC 010

Attorney Heather Curnutt presented a Proposed Stipulation, Final Decision and Order in the disciplinary proceedings against Terrence L. Engel. This matter will be deliberated in closed session.

DANIEL L ELLIOTT

08 AUC 011

Attorney Heather Curnutt presented a Proposed Stipulation, Final Decision and Order in the disciplinary proceedings against Daniel L. Elliott. This matter will be deliberated in closed session.

CRAIG L OTTO
07 AUC 012

DOE investigator Candace Bloedow presented a Proposed Stipulation, Final Decision and Order in the disciplinary proceedings against Craig L. Otto. This matter will be deliberated in closed session.

HARRY H SUTHERLAND
09 AUC 024

DOE investigator Candace Bloedow presented a Proposed Stipulation, Final Decision and Order in the disciplinary proceedings against Harry H. Sutherland. This matter will be deliberated in closed session.

PROPOSED MODEL LANGUAGE FOR MONITORING

Patara Horn, DRL monitor, presented proposed model language that delegates specific authorities to the monitoring staff under certain circumstances. The Board's monitoring liaison works with staff to determine the action to be taken.

MOTION: Kathryn Daley moved, seconded by Ronald Polacek, to adopt the model language to delegate specific authorities to the DRL monitoring staff following the recommendations of the Board's monitoring liaison. Motion carried unanimously.

**REVIEW AND POSSIBLE CONSIDERATION OF CONTINUING EDUCATION
CREDIT FOR USPAP COURSES FOR AUCTIONEERS RULEMAKING**

The Board reviewed the scope statement from October 2009 relating RL 128.04 Approval of educational courses and providers. Comments at the July 2010 meeting were also reviewed and taken into consideration.

MOTION: Patrick McNamara moved, seconded by Timothy Sweeney, to recommend to Secretary Jackson that the USPAP course be specifically approved for auctioneers who are also licensed as real estate appraisers. Motion carried unanimously.

BOARD REVIEW AND CONSIDERATION OF 2010-2012 CE CURRICULUM AND CE TEST-OUT CHANGES

According to Chapter RL 128.03, the Department is to approve 9 hours in topics every renewal biennium. After discussion, the Board proposed adding business courses for the next biennium and the real estate appraisers USPAP 7-hour refresher course for auctioneers who are also licensed as real estate appraisers.

Timothy Sweeney will work with Aaron Knautz regarding the CE test-out exam content.

BOARD REVIEW AND CONSIDERATION OF IN-PERSON VS ONLINE AUCTION

The Board discussed that the same rules apply to both in-person and online auctions. E-Bay has presented several times to the Board, however they are still considered an auction and must abide by the rules. Online auctions are difficult to regulate and control and further discussion is needed. Patrick McNamara will work with Michele Miller Hayes regarding online auctions and will bring recommendations back to the Board.

LEGISLATION AND ADMINISTRATIVE RULES

Nothing to report at this time.

TRAVEL

None.

INFORMATIONAL ITEMS

None.

PUBLIC COMMENTS

None.

CONVENE TO CLOSED SESSION

MOTION: Patrick McNamara moved, seconded by Timothy Sweeney, to convene the meeting to Closed Session pursuant to Sections 19.85 (1)(a), (b), and (f), Wis. Stats., to deliberate on cases following hearing (s. 19.85(1)(a), Stats.; consider closing disciplinary investigation with administrative warning (s.

19.85(1)(b), Stats. and 440.205, Stats., to consider individual histories or disciplinary data (s. 19.85 (1)(f), Stats.; and, to confer with legal counsel (s. 19.85(1)(g), Stats.) Roll call vote: Kathryn A. Daley-yes; Patrick J. McNamara-yes; Timothy D. Sweeney-yes; Ronald Polacek-yes. Motion carried unanimously.

Open session recessed at 11:11 a.m.

RECONVENE IN OPEN SESSION

MOTION: Patrick McNamara moved, seconded by Ronald Polacek, to reconvene to Open Session. Motion carried unanimously.

Open session reconvened at 11:21 a.m.

VOTING ON ITEMS CONSIDERED/DELIBERATED IN CLOSED SESSION IF VOTING IS APPROPRIATE

PROPOSED STIPULATIONS

JOHN LASKO
08 AUC 008

MOTION: Timothy Sweeney moved, seconded by Ronald Polacek, to adopt the Findings of Fact, Conclusions of Law, Final Decision and Order in the disciplinary proceedings against John Lasko. Motion carried unanimously.

AUCTION HOUSE OF WEST SALEM
08 AUC 008

MOTION: Timothy Sweeney moved, seconded by Ronald Polacek, to adopt the Findings of Fact, Conclusions of Law, Final Decision and Order in the disciplinary proceedings against Auction House of West Salem. Motion carried unanimously.

LARRY H JOSTAD
08 AUC 008 AND 08 AUC 011

MOTION: Timothy Sweeney moved, seconded by Kathryn Daley, to adopt the Findings of Fact, Conclusions of Law, Final Decision and Order in the

disciplinary proceedings against Larry H. Jostad. Motion carried unanimously.

TERRENCE L ENGEL

08 AUC 010

MOTION: Timothy Sweeney moved, seconded by Ronald Polacek, to adopt the Findings of Fact, Conclusions of Law, Final Decision and Order in the disciplinary proceedings against Terrence L. Engel. Motion carried unanimously.

DANIEL L ELLIOTT

08 AUC 011

MOTION: Timothy Sweeney moved, seconded by Ronald Polacek, to adopt the Findings of Fact, Conclusions of Law, Final Decision and Order in the disciplinary proceedings against Daniel L. Elliott. Motion carried unanimously.

HARRY H SUTHERLAND

09 AUC 024

MOTION: Timothy Sweeney moved, seconded by Kathryn Daley, to adopt the Findings of Fact, Conclusions of Law, Final Decision and Order in the disciplinary proceedings against Harry H. Sutherland. Motion carried unanimously.

CASE CLOSINGS

08 AUC 008

MOTION: Timothy Sweeney moved, seconded by Kathryn Daley, to close case **08 AUC 008** against respondent D.E.L. for prosecutorial discretion (P5) with a flag should the licensee attempt to renew and to open an unlicensed practice case. Motion carried unanimously.

07 AUC 012

MOTION: Timothy Sweeney moved, seconded by Kathryn Daley, to close case **07 AUC 012** against T.G., LLC for prosecutorial discretion (P5) with a flag

should the respondent elect to start up the company. Motion carried unanimously.

ADJOURNMENT

MOTION: Kathryn Daley moved, seconded by Ronald Polacek, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 11:27 a.m.

THE NEXT MEETING IS SCHEDULED FOR JANUARY 26, 2011